**Condo Smarts**

**Headline:** How do we know if a bylaw is enforceable?

**Topic:** Bylaws

**Publication / Date:** The Province, June 25, 2015

**Written by:** Tony Gioventu

---

**Dear Tony:** Our strata council have been working on a new set of updated bylaws that would replace our many years of odds and ends that we have adopted. Our bylaws are in a bit of a mess and we decided to consolidate them into one set and will have the owners approve them at our AGM in September. In the process of looking at our ancient bylaws, a number of questions have come up about whether a bylaw is actually something we could enforce or not. For example, one of our bylaws demands that owners must provide copies of their insurance policies of their strata lots to the strata corporation, but we have never actually collected them and only half of our owners have insurance, so how could we collect something that doesn’t exist? We also have bylaws that leave the discretion of the conditions to the strata council. One of the bylaws deals with pets. The bylaw reads that pets are permitted if an owner makes an application to the council and the council decide the pet is acceptable. How could we possibly say no and defend ourselves? We would appreciate some sort of check list that would help us evaluate the bylaws.

**Kendra Y.**

**Dear Kendra:** The Strata Property Act requires that strata corporations must have bylaws which essentially regulate the use and enjoyment of property, the general administration of the strata, the collection and payment of fees, and the general governance of the council and owners at council, annual and special general meetings. The standard bylaws of the Act are a good starting place for every template as they provide a solid framework for operations and have a tested enforcement capacity, but there are many bylaws that strata corporations adopt that are subject to the limitations of the Act, the Human Rights Code and any other enactment of law.

---

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA, the author and related entities will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person. The contents of this publication may not be reproduced, blogged, or distributed in any fashion without the explicit prior consent of the writer.
challenge any of the strata bylaws for a small cost within a short window of time, all from the convenience of their smart phone, lap top or tablet.